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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,434	10/06/2004	Stuart D. Harshbarger	1883-8124	8857

7590 10/26/2005

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EXAMINER

RODRIGUEZ, JOSEPH C

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 10/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/510,434	Applicant(s) HARSHBARGER ET AL.	
	Examiner Joseph C. Rodriguez	Art Unit 3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-9, 13, 14 and 16-20 is/are rejected.
- 7) ☒ Claim(s) 6, 10-12 and 21 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/6/04</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7, 8, 13, 14, 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Call et al. ("Call") (US 2002/0124664 A1) in view of Stradley et al. ("Stradley")(US 2003/0119175 A1).

Call teaches (Fig. 1) a high-speed mail sorting apparatus for automated screening of parcels to identify parcels likely to contain biological or non-biological contaminants, comprising

a parcel opener (910; para. 0118, 0129-133 teaching that opener can be a laser) for creating a plurality of openings in each parcel in a predetermined position to eject contaminants from the parcel in a predetermined direction (para. 0129 et seq. teaching different embodiments wherein fluid jets are directed through plurality of holes to bring particulates towards sampling means);

a parcel separator that separates and individually feeds each parcel into the parcel opener (para. 0111);

an alarm (para. 0119) for notifying an operator when an opened parcel is determined to be likely to contain contaminants;

an air duct for channeling an air flow over the opened parcel as the opened parcel is compressed (para. 0112);

a particulate sampler for extracting an air sample from the air flow from a dwell chamber (Fig. 1, space from 906 to 906) for analyzing the air flow to detect whether the opened parcel is likely to contain contaminants (para. 0112-0115); and

a particulate concentrator for filtering the air flow, wherein the particulate concentrator is analyzed at periodic intervals to confirm the accuracy of the analysis performed by the particulate sampler (para. 0113 teaching intermittent sampling; fig. 3a, para. 0177 teaching filter 997; para. 0140 et seq. teaching virtual impactor concentrating and separating means). Here, it is implicit that the dwell chamber slows the air flow to allow contaminants to settle from the air flow, as Call teaches that the jet or blower blast creates a cloud upon hitting the mail item (para. 0112-0115).

Call as set forth above teaches all that is claimed except for expressly teaching a pinch roller for compressing the opened parcel. This feature, however, is well-known in the mail sorting arts. For instance, Stradley expressly teaches that pinch rollers are known as compressing means to sample contaminants from within mail (Fig. 1, 2, rollers 36; para. 016 et seq.). Further, Call teaches that any device with two opposed surfaces can be used to compress the mail (para. 0128), thus the pinch roller can be view as a well known equivalent to the accessing means taught by Call. See MPEP 2144.06. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of Call as taught by Stradley as the pinch rollers are a well known equivalent.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Call et al. ("Call") (US 2002/0124664 A1) in view of Stradley et al. ("Stradley")(US 2003/0119175 A1) as applied to claims 1-5, 7, 8, 13, 14, 16-20 above, and further in view of Belec et al. ("Belec")(US 2003/0115998 A1).

Call and Stradley as set forth above teaches all that is claimed except for expressly teaching the parcel opener as a rotary puncher. Belec, however, teaches that a rotary punchers is a well known parcel opener (Fig. 9-11; para. 0041 et seq.). That is, Belec teaches that the rotary puncher can be regarded as a well known equivalent to the opening means (i.e., laser perforator) taught by Call. See MPEP 2144.06. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of Call and Stradley as the rotary puncher is a well known equivalent.

Allowable Subject Matter

Claim 15 is allowed.

Claims 6, 10-12 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any references not explicitly discussed above but made of record are considered relevant to the prosecution of the instant application.

Here, the different opening methods taught by Giles et al should be noted.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Joseph C Rodriguez** whose telephone number is **571-272-6942** (M-F, 9 am – 6 pm, EST).

The **Official** fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

The examiner's **UNOFFICIAL Personal fax number** is **571-273-6942**.

Further, information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PMR only.

For more information about the PAIR system, see

<http://pair-direct.uspto.gov>

Should you have questions on access to the Private PMR system, contact the Electronic Business Center (EBC) at **866-217-9197** (Toll Free).

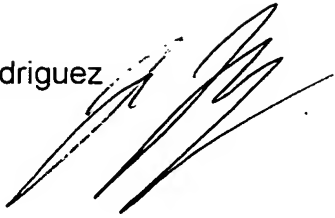
Alternatively, inquiries of a general nature or relating to the status of this application or proceeding can also be directed to the **Receptionist** whose telephone number is **571-272-6584**. Further, the supervisor's contact information is Donald Walsh, 571-272-6944.

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Signed by Examiner Joseph Rodriguez

A handwritten signature in black ink, appearing to be 'JR' with a stylized flourish extending from the bottom right.

jcr

October 24, 2005